

Accordingly, Key and Keystone must ensure that ninety-five percent of their subscriber bases has location-capable handsets by January 31, 2006.³²⁵

129. *Accuracy requirements.* We deny Key's and Keystone's requests for relief from the accuracy requirements as premature. As the carriers indicate, the accuracy of their planned systems cannot be known until they are installed and activated.³²⁶ Accordingly, the carriers may submit a more specific request for relief in the future should they determine, after installation, that such a waiver is needed.³²⁷

130. **Enterprise Wireless PCS, L.L.C. (Enterprise):**³²⁸ Enterprise operates analog and TDMA networks in Georgia, Alabama, and South Carolina, and is migrating these networks to GSM. Enterprise sought waivers of the September 1, 2003 deadline to commence sale and activation of location-capable handsets, the November 30, 2003 deadline to ensure that at least twenty-five percent of handsets activated are location-capable, and the May 31, 2004 deadline to ensure that at least fifty percent of handsets activated are location-capable.³²⁹ The carrier planned to meet the November 30, 2004 deadline to ensure that one-hundred percent of handsets activated are location-capable.

131. Enterprise stated that network-based solutions are incapable of performing triangulation from isolated rural sites, and that location-capable GSM handsets do not exist.³³⁰ Enterprise intended to deploy a GSM handset-based Phase II solution as part of its GSM network overbuild as soon as location-capable handsets became available.³³¹ Enterprise also reasoned that the waiver would not come at the cost of delay or prejudice to public safety in its service territory, as there were no pending Phase II requests.³³² In a November 2003 Supplement, Enterprise stated that it had definitive plans to proceed with a GSM overlay and had already implemented GSM at a number of cell sites.³³³ Enterprise argued

³²⁵ Because we relied on our established rules and precedent in granting the relief of the handset penetration deadline to Key and Keystone, we find it unnecessary to address the standard articulated in the *ENHANCE 911 Act*. Our decision, however, does not preclude Key and Keystone from seeking additional relief of the handset penetration deadline under the standard articulated in the *ENHANCE 911 Act*. See *supra* ¶ 11.

³²⁶ See Key and Keystone Second Supplement at 3-4.

³²⁷ See *supra* ¶¶ 10, 105.

³²⁸ Enterprise originally filed its request for relief as a joint filing with Public Service Cellular, Inc. (PSC). See Petition of Public Service Cellular, Inc. and Enterprise Wireless PCS, L.L.C. for Limited Waiver of Section 20.18(g) of the Commission's Rules, CC Docket No. 94-102, filed Aug. 25, 2003 (PSC and Enterprise Petition). FCC licenses held by PSC recently were acquired by ALLTEL Communications, Inc. See FCC File No. 0001993328. Counsel for PSC subsequently filed a letter to amend the joint filing to withdraw the portion pertaining to PSC. See Letter from Carl W. Northrop and W. Ray Rutngamlug, Paul, Hastings, Janofsky & Walker LLP, to Marlene H. Dortch, Secretary, FCC, dated Mar. 7, 2005. Accordingly, we will address only those portions of the petitions filed jointly by PSC and Enterprise that are applicable to Enterprise.

³²⁹ See PSC and Enterprise Petition at 1.

³³⁰ See *id.* at 2, 4.

³³¹ See *id.* at 5.

³³² See *id.*

³³³ See Supplement to Petition of Public Service Cellular, Inc. and Enterprise Wireless PCS, L.L.C. for Limited Waiver of Section 20.18(g) of the Commission's Rules, CC Docket No. 94-102, filed Nov. 10, 2003, at 2.

that grant of its waiver would preserve the handset-solution option, if and when location-capable GSM handsets become available, while denial might well preclude it from ever being able to deploy a Phase II solution that meets the accuracy requirements.³³⁴

132. *Benchmark Relief.* We find that Enterprise has been diligent in pursuing a location solution for its network. Further, we believe that Enterprise has satisfied the Commission's standards for seeking relief of the Commission's Phase II implementation requirements. Given its rural service area, Enterprise has chosen to pursue a handset-based solution, and it has been making progress towards completing its GSM overlay to enable such a solution. Furthermore, Enterprise has provided a clear path to full compliance with respect to its transition to GSM. Enterprise, through no fault of its own, is dependent on the availability of location-capable GSM handsets. Accordingly, we grant the following extensions, as requested: (1) from September 1, 2003 until November 30, 2004 to begin selling and activating location-capable handsets; (2) from November 30, 2003 until November 30, 2004 to ensure that at least twenty-five percent of handsets activated are location-capable; and (3) from May 31, 2004 until November 30, 2004 to ensure that at least fifty percent of handsets activated are location-capable.

133. Finally, we note that we are perplexed by Enterprise's request for relief, including its statement that it expected to meet the November 30, 2004 deadline to ensure that one-hundred percent of handsets activated are location-capable, given the fact that GSM location-capable handsets are not yet available. We would have expected Enterprise to have further supplemented its request for relief in light of the fact that GSM location-capable handsets are not yet available. If changed circumstances have affected Enterprise's need for relief of the Commission's sale and activation benchmarks, we would expect Enterprise to submit further requests for waiver relief. Further, in the event that Enterprise anticipates that it cannot comply with the December 31, 2005 ninety-five percent handset penetration deadline, Enterprise should file an appropriate and timely request for relief, including under the standard articulated in the *ENHANCE 911 Act*.³³⁵

E. Category 5: TDMA/AMPS Carriers Electing a Handset-Based Solution

134. The carriers in this section request extended relief from application of the Commission's E911 rules, including extension of the initial and interim benchmarks for selling and activating location-capable handsets. They note, for example, that location-capable handsets are not available for TDMA or AMPS and that their customers will be reluctant to purchase location-capable handsets for other air interfaces until such service actually is available. The carriers also assert that their local PSAPs have not requested Phase II service and are not likely to do so in the near future.

135. **Copper Valley Wireless, Inc. (CVW):** CVW operates in a sparsely populated area of Alaska, serving 1162 subscribers as of April 2004.³³⁶ CVW stated that it uses Plexsys analog equipment which has been discontinued and no longer is supported.³³⁷ Accordingly, there are no network equipment and software upgrades available to enable processing or transmitting of ALI data using its analog

³³⁴ See *id.* at 2-3.

³³⁵ See *supra* ¶ 11.

³³⁶ See Copper Valley Wireless, Inc. Request for Waiver or Temporary Stay, CC Docket No. 94-102, filed June 3, 2004, at 4 (CVW Waiver Request).

³³⁷ See *id.* at 2.

network.³³⁸ CVW explained that it had no other choice but to modernize its network to either CDMA or GSM, which it anticipated would be complete by December 31, 2005.³³⁹ CVW requested that the Commission waive all interim benchmarks for selling and activating location-capable handsets, and instead allow CVW until December 31, 2005 to not only begin selling and activating location-capable handsets, but to begin selling and activating only location-capable handsets.³⁴⁰ CVW did not request a waiver of the December 31, 2005 ninety-five percent penetration requirement. Further, CVW has not received any Phase I or II requests.³⁴¹

136. *Benchmark relief.* We find that good cause exists to grant CVW a waiver of the interim benchmark requirements. Since its analog network no longer was being supported, it had no options for implementing Phase II capability absent a digital upgrade. We are thus encouraged by CVW's efforts at choosing a technology that will allow it to come into compliance, including specifying a timeframe for completing its upgrade. Completion of its digital upgrade will afford CVW more options to achieve Phase II capability. Under these circumstances, the steps CVW has taken towards achieving compliance demonstrate a commitment to satisfying our requirements and warrant an extension. We also find it significant to our decision to grant CVW relief that its local PSAPs have not made any requests for receiving Phase I or Phase II service. We encourage CVW to coordinate its efforts in connection with its upgrade with the PSAPs in its service area. In this way, CVW can ensure that community expectations are consistent with its projected plans for achieving compliance.

137. For the foregoing reasons, we grant CVW's request to extend from September 1, 2003 until December 31, 2005 the deadline to begin the sale and activation of location-capable handsets. We waive the interim benchmark dates for CVW to ensure that twenty-five and fifty percent of all new handset activations are location-capable. Finally, we grant an extension from November 30, 2004 until December 31, 2005 to ensure that one-hundred percent of all new handset activations are location-capable.³⁴²

138. **Cordova Wireless Communications, Inc. (Cordova):** Cordova operates an analog network between the Chugach and Wrangell mountain ranges and the Gulf of Alaska, encompassing five square miles of land and two square miles of water.³⁴³ Cordova serves 300 customers with two cell towers that are mainly directed out to sea to accommodate a commercial fishing-oriented customer

³³⁸ See *id.* at 5.

³³⁹ See *id.* at 5. We note that in a subsequent filing in the local number portability proceeding, CVW stated that it elected to upgrade its network with the CDMA air interface, and that the new equipment would be installed and operational by February 25, 2006. See Petition for Waiver of Extension of Time, CC Docket No. 95-116, filed Dec. 23, 2004, at 11. However, CVW has not subsequently amended its E911-related waiver request to reflect any changes to either its selection of a new digital air interface or its schedule for implementing a new air interface.

³⁴⁰ See CVW Waiver Request at 1, 6.

³⁴¹ See *id.* at 3.

³⁴² We advise CVW that if it anticipates that it cannot comply with the December 31, 2005 handset penetration deadline, CVW should file an appropriate and timely request for relief, including under the standard articulated in the *ENHANCE 911 Act*. See *supra* ¶ 11.

³⁴³ See Cordova Wireless Petition for Waiver of Section 20.18(g) of the Commission's Rules, CC Docket No. 94-102, filed Aug. 7, 2003, at 2 (Cordova Petition).

base.³⁴⁴ Cordova elected a handset-based location solution, as it would be impossible to triangulate using only its two towers.³⁴⁵ Approximately seventy percent of Cordova's customers are commercial fisherman, and thus Cordova argued that these customers have an alternative means of contacting emergency services that may provide location information.³⁴⁶ Cordova stated that it was committed to eventually replacing its switch with a digital upgrade, but claimed that emergency location systems would be redundant for the fishing vessels used by its most of its customers, and that the \$1 million expense of a replacement switch and network upgrade would lead to bankruptcy.³⁴⁷ Cordova reported that it has not received any Phase I or Phase II PSAP requests, and that there is no public safety entity capable of utilizing Phase II data in its service area.³⁴⁸ Cordova stated that it may be in a position to implement Phase II as early as September 30, 2006.³⁴⁹ Cordova also indicated that it does not expect to meet the December 31, 2005 for achieving a ninety-five penetration rate for location-capable handsets.³⁵⁰

139. *Benchmark Relief.* We understand that Cordova serves a small and sparsely-populated area, but the sparseness of that area may only amplify the need to provide E911 Phase II location information. Our concerns are somewhat allayed by the fact that many of the subscribers to Cordova's service have an alternative means of contacting emergency services that may provide location information. On the other hand, that necessarily means that its remaining land-based customers do not have such options available to them. We also are mindful of the financial costs described by Cordova involved with implementing a digital upgrade, its efforts to expand its network to generate more revenue,³⁵¹ and the fact that no PSAP has made a request for either Phase I or Phase II service. Given its rural service area, we find it reasonable for Cordova to have chosen to pursue a handset-based solution, but Cordova has not indicated whether it has made any efforts to meet with vendors, and has not provided specific schedules and a clear path to full compliance with respect to its transition to a digital air interface. Cordova also has not indicated whether it can seek financing from federal, state, or local sources. Furthermore, Cordova is quite non-specific in terms of the relief it seeks, as it has not provided any dates for when it might anticipate being able to commence activation of location-capable handsets. Due to the shortcomings in Cordova's request, we are unable to grant Cordova the full relief that may be warranted.

140. Given that no PSAPs in Cordova's service area have requested E911 service, however, and the particular factual, technical, and economic circumstances concerning Cordova's network, we will grant Cordova a limited extension of time to comply with the Commission's rules until such time it can file a request for waiver that meets our waiver standards. Specifically, we grant Cordova the following

³⁴⁴ See *id.* at 2.

³⁴⁵ See *id.* at 5 n.11.

³⁴⁶ See *id.* at 2-4. As Cordova stated in its waiver request, many of its customers are on fishing vessels, which are required to carry location tracking systems. See *id.* at 4. The remaining non-sea-based customers total ninety. See *id.* at 4-5.

³⁴⁷ See *id.* at 5-7.

³⁴⁸ See Second Interim Report Regarding E911 Phase II Deployment, Cordova Wireless Communications, Inc., CC Docket No. 94-102, filed Jan. 14, 2004, at 1 (Cordova Second Interim Report).

³⁴⁹ See *id.* at 3.

³⁵⁰ See *id.*

³⁵¹ See *id.* at 2.

extensions from the Commission's interim benchmarks: (1) from September 1, 2003 until September 1, 2005 to begin selling and activating location-capable handset; (2) from November 30, 2003 until September 1, 2005 to ensure that at least twenty-five percent of handsets activated are location-capable; (3) from May 31, 2004 until December 1, 2005 to ensure that at least fifty percent of handsets activated are location-capable; and (4) from November 30, 2004 until December 31, 2005 to ensure that one-hundred percent of handsets activated are location-capable.

141. Finally, we note that while we are sympathetic to Cordova's circumstances, we cannot afford Cordova the relief that it seeks without the submission of a waiver request that complies with our requirements. We therefore encourage Cordova, given the unique challenges it faces, to file a renewed request for waiver of our rules in accordance with the guidance we provide above for meeting our waiver standard.³⁵²

142. **OTZ Telecommunications, Inc. (OTZ):** OTZ operates a single-cell TDMA system serving 175 customers in a small Eskimo community above the Arctic Circle supplied mainly by cargo planes.³⁵³ OTZ stated that location-capable TDMA handsets are not available and because of its low subscribership, it cannot afford to upgrade its network from TDMA to another digital network to begin selling location-capable handsets.³⁵⁴ OTZ estimated that the cost to upgrade its facilities would be \$1 million and would exceed \$5700 per customer to cover its upfront switch replacement costs.³⁵⁵ As a result, OTZ asserted that it simply cannot afford to implement the network upgrades necessary to enable a Phase II solution.³⁵⁶ OTZ indicated that it has not received any Phase I or Phase II requests, nor is the single PSAP in its area equipped to handle receipt of wireless location information.³⁵⁷ OTZ requested that the deadlines to begin selling and activating handsets be extended until such time as a cost-effective solution is developed that does not prematurely negate OTZ's current plant investment, until an effective cost recovery mechanism is established that will mitigate the burdens on OTZ's customers of a technology overlay, or until OTZ's present equipment has reached the end of its useful life and needs replacement.³⁵⁸

143. *Benchmark Relief.* We understand that OTZ serves a small, isolated and sparsely-populated area, but the sparseness of that area may only amplify the need to provide E911 Phase II location information. We also are mindful of the financial costs described by OTZ involved with implementing a digital upgrade, and the fact that the PSAP has not made a request for either Phase I or

³⁵² In light of the fact that Cordova mentioned that it was possible that it may not meet the December 31, 2005 handset penetration deadline, we also encourage Cordova to file an appropriate and timely request for relief of this requirement, including under the standard articulated in the *ENHANCE 911 Act*. See *supra* ¶ 11.

³⁵³ See OTZ Telecommunications, Inc. Petition for Waiver of Section 20.18(g) of the Commission's Rules, CC Docket No. 94-102, filed Aug. 25, 2003, at 2 (OTZ Petition); Second Interim Report Regarding E911 Phase II Deployment OTZ Telecommunications, Inc., CC Docket No. 94-102, filed Jan. 8, 2004, at 1-2 (OTZ Second Interim Report). Given that OTZ's network consists of a single cell site, it is not possible to accomplish triangulation using a network-based location solution. See OTZ Petition at 2.

³⁵⁴ See OTZ Petition at 3-5; OTZ Second Interim Report at 1-2.

³⁵⁵ See OTZ Petition at 4.

³⁵⁶ See *id.* OTZ has provided the Commission with specific financial information to establish these estimates.

³⁵⁷ See *id.* at 7.

³⁵⁸ See *id.* at 10.

Phase II service, nor is it capable of receiving location data. Given its rural service area, we find it reasonable for OTZ to have chosen to pursue a handset-based solution, but OTZ has not indicated whether it has made any efforts to meet with vendors, and has not provided specific schedules and a clear path to full compliance with respect to its transition to a digital air interface. OTZ also has not indicated whether it can seek financing from federal, state, or local sources. Furthermore, OTZ has not provided specific schedules or any dates for when it might anticipate being able to commence activation of location-capable handsets. Due to the shortcomings in OTZ's request, we are unable to grant OTZ the full relief that may be warranted.

144. Given that the PSAP in OTZ's service area has not requested E911 service, however, and the particular factual, technical, and economic circumstances concerning OTZ's network, we will grant OTZ a limited extension of time to comply with the Commission's rules until such time it can file a request for waiver that meets our waiver standards. Specifically, we grant OTZ the following extensions: (1) from September 1, 2003 until September 1, 2005 to begin selling and activating location-capable handset; (2) from November 30, 2003 until September 1, 2005 to ensure that at least twenty-five percent of handsets activated are location-capable; (3) from May 31, 2004 until December 1, 2005 to ensure that at least fifty percent of handsets activated are location-capable; and (4) from November 30, 2004 until December 31, 2005 to ensure that one-hundred percent of handsets activated are location-capable.

145. Finally, we note that while we are sympathetic to OTZ's circumstances, we cannot afford OTZ the relief that it seeks without the submission of a waiver request that complies with our requirements. We therefore encourage OTZ, given the unique challenges it faces, to file a renewed request for waiver of our rules in accordance with the guidance we provide above for meeting our waiver standard.³⁵⁹

F. Category 6: Other Requests

146. In this category, we address petitions filed by both network-based and handset-based carriers. The petitions present a range of relatively minor issues, including license transfers or other changed circumstances that make certain of these petitions moot, as well as requests for nominal benchmark relief.

147. **Alabama Wireless, Inc.:** On August 24, 2001, Alabama Wireless requested a waiver seeking additional time to deploy a handset-based Phase II solution.³⁶⁰ Subsequently, in an August 29, 2003 letter, Alabama Wireless indicated that it sold its license to Verizon on January 19, 2002 and that its E911 request may thus be dismissed as moot.³⁶¹ In this regard, Alabama Wireless filed a request to withdraw its petition.³⁶² Accordingly, we dismiss Alabama Wireless' request for waiver as moot.

³⁵⁹ We advise OTZ that if it anticipates that it cannot comply with the December 31, 2005 handset penetration deadline, it should file an appropriate and timely request for relief, including under the standard articulated in the *ENHANCE 911 Act*. See *supra* ¶ 11.

³⁶⁰ See Request for Limited Phase II E911 Waiver, CC Docket No. 94-102, filed Aug. 24, 2001, at 2.

³⁶¹ See E911 Extension Request, CC Docket No. 94-102, filed Feb. 22, 2005, at 1.

³⁶² See Letter from David J. Kaufman to Joel Taubenblatt, Acting Chief, Policy Division (Feb. 23, 2005).

148. **Amarillo License, L.P. and High Plains Wireless, L.P. (Amarillo and High Plains):** Amarillo and High Plains provide Phase II service through a network-based solution.³⁶³ In January 2005, Amarillo and High Plains submitted a supplement to their earlier requests for an extension of time until June 30, 2005 to provide Phase II E911 service to the entire PSAP area within their service territories.³⁶⁴ Specifically, the supplement included a copy of an electronic mail message from the PSAP indicating its consent to the revised implementation schedule proposed by Amarillo and High Plains.³⁶⁵

149. We find Amarillo and High Plains' extension request unnecessary. A carrier and a PSAP may establish deadlines different than those required under the Commission's rules.³⁶⁶ When a carrier and a PSAP reach such an agreement, a waiver of the Commission's rules is unnecessary. As the carriers and the PSAP have reached agreement on a revised implementation schedule, we dismiss as moot Amarillo's and High Plains' petition for waiver.

150. **Blanca Telephone Company (Blanca):** Blanca originally requested extension of the twenty-five percent benchmark from November 30, 2003 to May 30, 2004, the fifty percent benchmark from May 31, 2004 to November 30, 2004, the one-hundred percent benchmark from November 30, 2004 to May 30, 2005, and the ninety-five percent location-capable handset penetration benchmark from December 31, 2005 until June 30, 2006.³⁶⁷ Blanca requested this relief because it had been told by its vendors that they would be unable to provide location-capable handsets in sufficient quantities to enable Blanca to meet the benchmark requirements.³⁶⁸ However, Blanca subsequently reported that it would in fact be able to order location-capable handsets in sufficient quantities by the end of November 2003.³⁶⁹ It thus modified its waiver request to seek an extension only of the November 30, 2003 deadline, until May 30, 2004, to ensure that at least twenty-five percent of handsets activated are location-capable.³⁷⁰ Otherwise, Blanca expected to timely reach the fifty percent and one-hundred percent benchmarks.³⁷¹

³⁶³ See Seventh Further Modified Request for Further Modification of Deadlines of Amarillo License, L.P. for Station KNKA574 and High Plains Wireless, L.P. for Station KNLF919 on Implementation of Wireless Enhanced 911 Phase II Automatic Location Identification (ALI) System, CC Docket No. 94-102, filed Dec. 23, 2004, at 2.

³⁶⁴ See Supplement to Seventh Further Modified Request for Further Modification of Deadlines of Amarillo License, L.P. for Station KNKA574 and High Plains Wireless, L.P. for Station KNLF919 on Implementation of Wireless Enhanced 911 Phase II Automatic Location Identification (ALI) System, CC Docket No. 94-102, filed Jan. 31, 2005.

³⁶⁵ See *id.*

³⁶⁶ See 47 C.F.R. § 20.18(j)(5) ("Nothing in this section shall prevent Public Safety Answering Points and carriers from establishing, by mutual consent, deadlines different from those imposed for carrier and PSAP compliance in paragraphs (d), (f), and (g)(2) of this section.").

³⁶⁷ See Blanca Telephone Company E911 Phase II Interim Report and Request for Waiver of the Compliance Deadlines, CC Docket No. 94-102, filed Aug. 1, 2003.

³⁶⁸ See *id.* at 1-2.

³⁶⁹ See Blanca Telephone Company Supplement to E911 Phase II Interim Report and Request for Waiver of the Compliance Deadlines, CC Docket No. 94-102, filed Nov. 7, 2003, at 1.

³⁷⁰ See *id.* at 1-2.

³⁷¹ See *id.* at 2.

151. It appears that Blanca has significantly accelerated its deployment of location-capable handsets beyond that required by the *Non-Nationwide Carriers Order* and has taken substantial, effective steps to comply with the Phase II rules. Accordingly, we find good cause to grant Blanca's request for a limited waiver of the November 30, 2003 deadline for ensuring that at least twenty-five percent of handsets activated are location-capable until May 30, 2004 benchmark. We dismiss as moot Blanca's August 1, 2003 request for waiver of additional relief to extend the deadline for the fifty percent benchmark from May 31, 2004 to November 30, 2004, the one-hundred percent benchmark from November 30, 2004 to May 30, 2005, and the ninety-five percent location-capable handset penetration benchmark from December 31, 2005 until June 30, 2006.

152. **ComScape Telecommunications of Raleigh-Durham License, Inc. (ComScape):** ComScape provides CDMA-based service in two regions in North Carolina. ComScape earlier had requested for its Wilmington License affiliate the same relief afforded other Tier III carriers under the Commission's *Non-Nationwide Carriers Order*.³⁷² The *Order to Stay* granted this request, thus allowing additional time for its Wilmington License affiliate to comply with the E911 interim benchmarks.³⁷³ In its request being addressed herein, ComScape sought the same relief granted in the *Order to Stay* to its Wilmington License affiliate for its Raleigh-Durham affiliate.³⁷⁴ In a joint January 2004 Interim Report, ComScape stated that it had not received any PSAP requests but intended to meet any valid Phase II requests within six months of receipt.³⁷⁵ It also stated that location-capable handsets are available, that it would continue to obtain them, and that it anticipated that it will be able to comply with the Tier III deployment schedule, including the December 31, 2005 ninety-five percent handset penetration deadline.³⁷⁶ We grant ComScape's request to extend the relief granted in the *Order to Stay* to its Raleigh-Durham affiliate.

153. **Corr Wireless Communications, LLC (Corr):** Corr provides GSM and TDMA service in Alabama.³⁷⁷ It provides Phase II service through a network-based solution.³⁷⁸ Corr sought relief from the September 1, 2003 deadline to begin providing Phase II service to at least fifty percent of the PSAP's coverage area or population, as established by the *Non-Nationwide Carriers Order*, to January 15, 2004, in order to complete its initial deployment of network-based Phase II location solutions

³⁷² See Report and Request for Modification of Deadlines of ComScape Telecommunications of Wilmington License, Inc. on Plan for Implementation of Wireless Enhanced 911 Phase II Automatic Location Identification (ALI) System for Station KNLG700, CC Docket No. 94-102, filed Aug. 19, 2002.

³⁷³ See *Order to Stay*, 18 FCC Rcd at 20999 ¶ 33.

³⁷⁴ See Report and Request for Modification of Deadlines of ComScape Telecommunications of Raleigh Durham License, Inc. on Plan for Implementation of Wireless Enhanced 911 Phase II Automatic Location Identification (ALI) System for Station KNLG699, CC Docket No. 94-102, filed Oct. 23, 2003.

³⁷⁵ See Interim Report on Implementation of Wireless Enhanced 911 Phase II Automatic Location Identification (ALI) of ComScape Telecommunications of Raleigh Durham License, Inc. for Station KNL699 and of ComScape Telecommunications of Wilmington License, Inc. for Station KNLG700, CC Docket No. 94-102, filed Jan. 13, 2004, at 2-3.

³⁷⁶ See *id.* at 3.

³⁷⁷ See Interim Report for Tier III Carriers: Corr Wireless Communications, LLC, CC Docket No. 94-102, filed Jan. 15, 2004, at 2 (Corr Jan. 2004 Interim Report).

³⁷⁸ See *id.* at 1.

in response to PSAP requests.³⁷⁹ In its January 2004 Interim Report, Corr stated that it completed installation of the Phase II network-based system throughout its TDMA network in mid-December 2003, and that the system is fully operational.³⁸⁰ Corr also reported that installation and integration of the Phase II solution into Corr's GSM overlay network was expected shortly and that, as of January 14, 2004, its vendor had declared the system ready for commercial application.

154. We find that relief is warranted in this case. Corr was granted an extension under the *Non-Nationwide Carriers Order*, as well as a stay under the *Order to Stay*. While the stay was in place, Corr completed its network upgrade so that its system was fully operational. Based on the foregoing reasons, we grant Corr an extension from September 1, 2003 to January 15, 2004 to begin providing Phase II service to at least fifty percent of either the PSAP's coverage area or its population.

155. **Great Western Cellular Holdings, L.L.C. (GWCH):** GWCH filed a petition for waiver on November 6, 2002 seeking modification of the implementation deadlines.³⁸¹ At that time, GWCH was in the process of building out its network and had only recently initiated service.³⁸² In an August 1, 2003 report, GWCH stated that it had moved to a "carrier's carrier" business model, under which it would provide roaming services to other carriers' subscribers but would not have any subscribers of its own.³⁸³ GWCH requested an interim waiver of the Phase II rules while it completed its network build-out.³⁸⁴

156. On March 19, 2004, however, GWCH filed a petition to withdraw its request without prejudice, citing recent favorable developments in its E911 compliance capabilities and efforts, particularly in the expected performance of a network-based solution.³⁸⁵ GWCH stated that it had selected a network-based solution vendor, was working with the Minnesota State 911 Project Manager to provide a plan to meet Phase II compliance by December 31, 2005,³⁸⁶ and had arranged an alternative deployment date in accordance with the Phase II rules.³⁸⁷ It therefore requested to withdraw its petition on the grounds that its request for relief was premature.³⁸⁸ We grant GWCH's petition to withdraw its petition for waiver.

³⁷⁹ See Further Supplement to Corr Wireless Communications, LLC's Emergency Petition for Short-Term Waiver, CC Docket No. 94-102, filed Dec. 16, 2003, at 1.

³⁸⁰ See Corr Jan. 2004 Interim Report at 2.

³⁸¹ Great Western Cellular Holdings, L.L.C. Petition for Waiver of the Commission's E911 Implementation Deadlines, CC Docket No. 94-102, filed Nov. 6, 2002.

³⁸² See *id.* at 2.

³⁸³ See Great Western Cellular Holdings, L.L.C. Tier III Carrier Interim Report, CC Docket No. 94-102, filed Aug. 1, 2003 at 1.

³⁸⁴ See *id.* at 2.

³⁸⁵ See Great Western Cellular Holdings, L.L.C. Petition to Withdraw Petition for Waiver Without Prejudice, CC Docket No. 94-102, filed Mar. 19, 2004 at 1 (GWCH Petition to Withdraw).

³⁸⁶ See 47 C.F.R. § 20.18(j)(5).

³⁸⁷ See GWCH Petition to Withdraw at 3-4.

³⁸⁸ See *id.*

157. **Minnesota Southern Cellular Telephone Company dba HickoryTech Wireless (Hickory Tech):** Hickory Tech operated a TDMA network in Minnesota. In an August 25, 2003 Petition, Hickory Tech stated that it would deploy a network-based solution and sought a waiver seeking additional time to complete deployment and testing and a waiver of the accuracy requirements until December 31, 2005.³⁸⁹ Hickory Tech also requested a waiver of the handset deployment requirements, in recognition of the possibility that it would implement a handset-based solution in some of its licensed areas in the future.³⁹⁰

158. Subsequently, Hickory Tech was acquired by Western Wireless Corporation, a Tier II carrier employing a handset-based solution.³⁹¹ According to Western Wireless, it had received approval of its E911 migration plan for Hickory Tech's service area from the Minnesota Statewide 9-1-1 Program Manager, and under this plan expected to complete Hickory Tech's migration and on-going E911 deployments by the end of June 2004.³⁹² In subsequent reports, Western Wireless indicated that it has completed Phase II deployments covering nearly its entire network in Minnesota and had met all pending Phase II requests.³⁹³ In view of these changed circumstances, including the acquisition of Hickory Tech by Western Wireless, the change implemented by Western Wireless to a location-based technology, Western Wireless' agreement with the State of Minnesota on its deployment plan, and the reported successful Phase II deployment by Western Wireless, we dismiss the Hickory Tech petition as moot.

159. **Missouri RSA # 5 Partnership dba Chariton Valley Wireless Services (Chariton Valley):** Chariton Valley operates a TDMA network in Missouri, recently completed a GSM overlay, and plans to employ a network-based location solution.³⁹⁴ Chariton Valley was granted relief in the *Non-Nationwide Carriers Order*. In August 2003, Chariton Valley stated that on January 24, 2003 it had received one Phase II request in Macon County, Missouri but that an upgrade to its switch, originally scheduled for September 12, 2003, was delayed by its switch vendor until October 17, 2003.³⁹⁵ Chariton Valley requested a temporary Phase II waiver under which it would begin providing enhanced Phase II 911 services to at least fifty percent of the Macon County PSAP's coverage area or population on September 1, 2004, instead of by July 24, 2004 (six months following the PSAP's request) and to one-hundred percent of the Macon County PSAP's coverage area or population by September 1, 2005, instead of by July 24, 2005 (eighteen months following the PSAP's request).³⁹⁶ For any new PSAP requests,

³⁸⁹ See Petition of Minnesota Southern Wireless Company dba Hickory Tech for Waiver of Section 20.18 of the Commission's Rules, CC Docket No. 94-102, filed Aug. 25, 2003, at ii-iii.

³⁹⁰ See *id.* at iii.

³⁹¹ See Quarterly Report of Western Wireless Corporation on its Enhanced 911 Phase II Deployment, CC Docket No. 94-102, filed Feb. 2, 2004, at 10.

³⁹² See *id.*

³⁹³ See Quarterly Report of Western Wireless Corporation on its Enhanced 911 Phase II Deployment, CC Docket 94-102, filed Aug. 2, 2004 at 9; Quarterly Report of Western Wireless Corporation on its Enhanced 911 Phase II Deployment, CC Docket No. 94-102, filed Nov. 1, 2004, Appendix A at 1-4.

³⁹⁴ See Missouri RSA # 5 Partnership Petition for Waiver of Section 20.18(f) of the Commission's Rules, CC Docket No. 94-102, filed August 27, 2003, at 1-2 (Chariton Valley Petition); Second Supplement and Amendment to Missouri RSA # 5 Partnership Petition for Waiver of Section 20.18(f) of the Commission's Rules, CC Docket No. 94-102, filed Mar. 10, 2005, at 2 (Chariton Valley Supplement).

³⁹⁵ See Chariton Valley Petition at 3-6.

³⁹⁶ See *id.* at 9-10.

Chariton Valley requested that its deadline for providing enhanced Phase II 911 services to at least fifty percent of a PSAP's coverage area or population begin on September 1, 2004 or within six months of a PSAP request, whichever is later, and to one-hundred percent of the PSAP's coverage area or population by September 1, 2005 or within eighteen months of a PSAP request, whichever is later.³⁹⁷ In a January 2004 Interim Report, Chariton Valley stated that it would provide Phase II service to one-hundred percent of the Macon County PSAP service area by April 30, 2004, that it had not received any additional Phase II requests, and that it fully expected to be able to provide Phase II service within six months of any new Phase II requests.³⁹⁸

160. On March 10, 2005, Chariton Valley reported substantially changed circumstances, citing to internal management problems, and mounting cost and accuracy issues that developed with its location solution vendor.³⁹⁹ As an initial matter, Chariton Valley updated its January 2004 Second Interim Report to indicate that it received two additional PSAP requests for Phase II service, from Shelby County on April 20, 2004, and from Chariton County on September 10, 2004.⁴⁰⁰ Chariton Valley then reported that it would be unable to meet either of these new requests, as well as the initial Macon County request, until October 18, 2005.⁴⁰¹ Accordingly, Chariton Valley now requests the following extensions of the requirement to begin providing E-911 Phase II services to at least fifty percent of a PSAP's coverage area or population: (1) with respect to the Macon County, from July 24, 2004 until October 18, 2005, (2) for Shelby County, from October 20, 2004 until October 18, 2005, and (3) for Chariton County, from March 10, 2005 until October 18, 2005. With respect to Macon County only, Chariton Valley also sought relief from July 24, 2005 until October 18, 2005 to begin providing Phase II services to one-hundred percent of the PSAP's coverage area or population. For any new PSAP requests received by April 17, 2005, Chariton Valley requested an extension until October 18, 2005 to begin providing Phase II service to fifty percent of a PSAP's coverage area or population.⁴⁰²

161. Chariton Valley has entered into discussions for a "first office application" with a new E-911 vendor that it believes can provide the most accurate, cost-effective, and timely Phase II solution, and now expects to have a Phase II solution implemented by October 18, 2005.⁴⁰³ Although Chariton Valley's new General Manager has been keeping the Macon, Shelby, and Chariton County PSAPs apprised of its implementation schedule,⁴⁰⁴ neither the Macon County PSAP nor the Shelby County PSAP were willing to extend their requests.⁴⁰⁵ Notwithstanding its acknowledged inability to make "any

³⁹⁷ *Id.*

³⁹⁸ See Second Interim Report Regarding E911 Phase II Deployment, Missouri RSA #5 Partnership dba Chariton Valley Wireless Services, CC Docket No. 94-102, filed Jan. 14, 2004, at 1-2 (Second Interim Report).

³⁹⁹ See Chariton Valley Supplement at 4-5. Specifically, Chariton Valley stated that it had to replace its General Manager responsible for overseeing its Phase II implementation process, and that its costs for its chosen location solution were rising while its location vendor was unable to confirm it could meet the Commission's accuracy requirements.

⁴⁰⁰ See *id.* at 3.

⁴⁰¹ See *id.*

⁴⁰² See *id.* at 4.

⁴⁰³ See *id.* at 5-6.

⁴⁰⁴ See *id.* at 6.

⁴⁰⁵ See *id.* at 5.

measurable progress” with its former Phase II vendor,⁴⁰⁶ Chariton Valley stated that its new vendor’s solution may prove to be relatively more accurate and affordable and thus of potential future benefit to similarly situated Tier III carriers.⁴⁰⁷ Most recently, Chariton Valley reported that it had the concurrence of all three PSAPs to its revised implementation schedule.⁴⁰⁸

162. *Deployment of Network Equipment.* As an initial matter, we are concerned that Chariton Valley waited until March 10, 2005 to notify the Commission that it would not meet its previously reported date of April 30, 2004 by which it expected to be able to provide Phase II services. We caution carriers to keep us apprised should they fail to meet previously-reported implementation dates. In any event, under the Commission’s E911 rules, a carrier and a PSAP may agree to a deployment schedule that allows for different timeframes than under the Commission’s rules.⁴⁰⁹ As Chariton Valley and the PSAPs in Macon County, Shelby County, and Chariton County have reached such an agreement, we dismiss as moot Chariton Valley’s petition for waiver.

163. **North Dakota PCS Alliance (Alliance):** Alliance was granted a stay in the October 10, 2003 *Order to Stay* based on a petition for relief filed on July 31, 2002, shortly after adoption of the *Non-Nationwide Carrier Order*.⁴¹⁰ In a November 10, 2003 letter, the North Dakota Network Company stated that it was granted relief in the *Non-Nationwide Carrier Order* and, as the successor-in-interest to Alliance, the request for relief in the Alliance Petition should be considered moot.⁴¹¹ Accordingly, we dismiss the Alliance Petition as moot.

164. **RSA 1 Limited Partnership dba Cellular 29 Plus (Cellular 29):** Cellular 29 provides analog and digital CDMA service in Iowa, and has selected a handset-based solution. Cellular 29 sought waiver of the September 1, 2003 benchmark to begin selling and activating location-capable handsets.⁴¹² According to its filings, Cellular 29 began selling and activating location-capable handsets in late October or early November 2003.⁴¹³ The relief sought by Cellular 29 is minimal, as it was able to begin selling and activating location-capable handsets within two months of September 1, 2003. Additionally,

⁴⁰⁶ See *id.* at 8.

⁴⁰⁷ See *id.* According to Chariton Valley, its new vendor, GBSD Technologies, Inc., utilizes automatic direction finding technology, which is a new type of angle of arrival technology designed for use in rural markets. See *id.* at 9.

⁴⁰⁸ See Third Supplement to Missouri RSA # 5 Partnership Petition for Waiver of Section 20.18(f) of the Commission’s Rules, CC Docket No. 94-102, filed Mar. 18, 2005, at 1; Fourth Supplement to Missouri RSA # 5 Partnership Petition for Waiver of Section 20.18(f) of the Commission’s Rules, CC Docket No. 94-102, filed Mar. 22, 2005, at 1-2.

⁴⁰⁹ See 47 C.F.R. § 20.18(j)(5).

⁴¹⁰ See North Dakota PCS Alliance Petition for Waiver of E911 Phase II Location Technology Implementation Rules, CC Docket No. 94-102, filed July 30, 2002.

⁴¹¹ See Letter from Steven D. Lyme, CEO/General Manager North Dakota Network Co. to Marlene Dortch, Secretary, FCC, dated Nov. 10, 2003.

⁴¹² See Supplement to Petition of RSA 1 Limited Partnership dba Cellular 29 Plus for Waiver of Section 20.18 of the Commission’s Rules, CC Docket No. 94-102, filed Nov. 10, 2003 at 2 (Cellular 29 Supplement).

⁴¹³ See Cellular 29 Supplement at 2. Cellular 29 does not provide a specific date, rather it states in the supplement that “within the past two weeks, Cellular 29 [received] the ALI-handsets.”

as Cellular 29 indicated in its supplement, at the time of its request, none of the PSAPs in its service area had requested either Phase I or Phase II service.⁴¹⁴ For these reasons, we find good cause to grant Cellular 29's request for waiver of the September 1, 2003 benchmark.

165. **Sussex Cellular, Inc. (Sussex):** Sussex operates an AMPS-based system and has elected to provide Phase II location information through a network-based solution.⁴¹⁵ In an earlier filing, Sussex indicated that it would employ a handset-based solution for its analog network in rural New Jersey and requested a waiver of the benchmark requirements.⁴¹⁶ Sussex has no PSAP requests for Phase II service.⁴¹⁷ Because Sussex has elected to fulfill its E911 obligations through a network-based system, it is no longer required to comply with the handset deployment deadlines. We therefore dismiss as moot its request for relief from those requirements.

166. **Rural Telecommunication Group (RTG) Petition:** RTG is a trade association representing rural carriers.⁴¹⁸ On August 29, 2003, RTG filed a petition requesting a waiver and temporary limited stay of portions of the wireless E911 rules as they applied to small carriers with 100,000 or fewer subscribers, as of December 31, 2003, operating in rural areas.⁴¹⁹ RTG proposed revised schedules for these carriers based upon the air interface and location technology a carrier employs.⁴²⁰ For those carriers with fewer than three cell sites in a licensed service area and deploying a network-based solution, RTG requested that they be allowed an extension of twenty-four months of a PSAP request to provide Phase II service to one-hundred percent of a PSAP's coverage area or population.⁴²¹ For carriers with three or more cell sites, but with a sufficiently low "Tower Density Factor,"⁴²² RTG also requested that they be allowed twenty-four months from a PSAP's request to come

⁴¹⁴ See *id.* at 3.

⁴¹⁵ See Sussex Cellular, Inc. Amendment of E-911 Phase II Implementation Plan, CC Docket No. 94-102, filed Nov. 10, 2003 (Sussex 2003 Amendment). In its amended implementation plan, Sussex stated that because a handset-based solution is not technically feasible for its AMPS system and the expense of a digital conversion cannot be justified, it has elected a network-based solution. See *id.* at 1.

⁴¹⁶ See Sussex Cellular, Inc. Petition for Waiver of Sections 20.18(e) and (g) of the Commission's Rules, CC Docket No. 94-102, filed Sept. 28, 2001.

⁴¹⁷ See Enhanced 911 Tier III Interim Report, Sussex Cellular, Inc., CC Docket no. 94-102, filed Jan. 14, 2004, at 2.

⁴¹⁸ RTG describes itself as an organized group of rural telecommunications providers who have joined to provide telecommunications technologies to remote and underserved sections of the country, including wireless services. See Petition for Waiver and Request for Temporary Limited Stay of Section 20.18 of the Commission's Rules, CC Docket No. 94-102, filed Aug. 29, 2003 at 1, n. 1 (RTG Petition).

⁴¹⁹ See *id.* at 3-4. RTG proposes that carriers with 100,000 or fewer subscribers be classified as "Tier IV" carriers. See *id.* at 3-4.

⁴²⁰ See *id.* at 9-11.

⁴²¹ See *id.* at 4-5.

⁴²² See *id.* at 5-6 and n.10. The TDF is intended to be used as a proxy to determine average density and distance between cell towers, to approximate ALI capabilities.

into compliance with the accuracy standards, provided such carriers commit to deploying state-of-the-art network-based Phase II technology.⁴²³

167. RTG also proposed an alternative handset deployment schedules for Tier IV carriers. Specifically, RTG requested a six-month extension of the Tier III handset deployment benchmarks for CDMA carriers relying on a handset-based solution, and a twelve-month extension for TDMA carriers that are converting to CDMA.⁴²⁴ Carriers who were relying on a CDMA handset solution, and received a PSAP request on or before September 1, 2003, would be given six months of the PSAP request, or by March 1, 2004, whichever is later, to deploy Phase II capability.⁴²⁵ Tier IV CDMA carriers who were formerly relying on TDMA technology, and who receive a PSAP request on or before March 1, 2004, must meet these requirements within six months of a request or by September 1, 2004, whichever is later.⁴²⁶ Tier IV carriers relying on GSM handsets would be given an additional twenty-four months to meet the handset deployment and penetration benchmarks established for Tier III carriers.⁴²⁷ Tier IV carriers relying on a GSM handset solution who have already received a PSAP request prior to March 1, 2005 would be granted a stay until six months after receipt of the PSAP request or by September 1, 2005, whichever is later.⁴²⁸

168. Alternatively, RTG proposed making handset deployment deadlines contingent upon a PSAP request for Phase II service.⁴²⁹ Specifically, once a valid PSAP request is received, a carrier must begin selling and activating location-capable handsets no later than six months after receipt; ensure that at least twenty-five percent of handsets activated are location-capable no later than nine months after receipt, ensure that at least fifty percent are location-capable no later than fifteen months after receipt, ensure one-hundred percent no later than twenty-one months after receipt, and achieve ninety-five percent penetration no later than fifty-seven months after receipt.⁴³⁰

169. For the reasons discussed below, we deny RTG's requested relief. In this *Order*, and throughout the course of this proceeding, the Commission has provided Tier III carriers additional amounts of time to comply with the Phase II requirements. The Commission has granted such relief only in cases where carriers provided the Commission with concrete, specific plans, including technical data and sufficient and specific factual information. In contrast, RTG's petition does not provide the type of specific information we need to properly evaluate whether granting relief is warranted. For example, RTG does not identify the particular carriers to whom its request would apply, nor does it explain why the carriers it represents cannot meet the deployment or accuracy requirements. While RTG raises valid issues concerning the problems facing rural carriers as a general matter, a more individually tailored approach would best address the twin goals of ensuring that E-911 services are made available as soon as possible while avoiding unnecessary burdens on rural carriers.

⁴²³ See *id.* at 5-7.

⁴²⁴ See *id.* at 7-11.

⁴²⁵ See *id.* at 11.

⁴²⁶ See *id.*

⁴²⁷ See *id.* at 12.

⁴²⁸ See *id.*

⁴²⁹ See *id.* at 13.

⁴³⁰ See *id.* at 13-14.

170. In addition, we find that RTG's proposed relief, as it applies to carriers employing a network-based solution, to be overbroad. RTG's proposal would apply to all carriers who elect a network-based solution, regardless of whether any carrier could comply with the Phase II requirements by employing an alternative solution, such as a handset-based solution. Further, RTG's claim that deployment of network-based solutions would require substantial resources does not account for the fact that in many cases carriers may be reimbursed from state funds or other sources.⁴³¹ RTG also presents insufficient evidence to support the specific definitions it proposes and does not fully explain the connection between cell site density and the requested extensions in meeting the accuracy requirements. For example, RTG does not explain how the requested extension would assist the carriers in eventually meeting the accuracy requirements.

171. We also find that RTG's proposed alternate deployment schedule for carriers employing a handset-based solution is overbroad. RTG's proposal would grant additional time to carriers, even though our record indicates location-capable CDMA handsets and associated network equipment are now readily available.⁴³² Additionally, the general delays in handset deployment sought by RTG could result in unnecessary and unjustified delays in Phase II implementation for carriers who do not in fact require further relief. For the foregoing reasons, we deny RTG's request for relief.

G. Reporting Requirements

172. To assist in monitoring Tier III carriers' E911 deployment progress, we require, as a condition of the relief granted to individual Tier III carriers in this *Order*, that each such carrier file an interim status report (Interim Report). The Interim Report will be due on September 1, 2005, by which time we expect these carriers to have made significant progress towards deploying E911 service. This report is intended to provide specific, verifiable information to allow us to monitor Tier III carriers' progress closely and determine whether Tier III carriers are on track for compliance with each of the benchmarks of this *Order* and with other applicable provisions of the E911 rules. The Interim Report will include the following information: (1) the number of Phase I and Phase II requests received from Public Safety Answering Points (PSAPs) (including those the carrier may consider invalid) and the status of those requests, including whether the carrier and the PSAP have reached an alternative deployment date; (2) the carrier's specific technology choice; (3) status on ordering and/or installing necessary network equipment; (4) the date on which Phase II service was/will first be available in the carrier's network; and (5) if the carrier is pursuing a handset-based solution, (a) whether ALI-capable handsets are available, and whether the carrier has obtained ALI-capable handsets or has agreements in place to obtain these handsets; and (b) information on the carrier's progress towards ensuring that ninety-five percent of its subscriber base has location-capable handsets.

IV. CONCLUSION

173. We remain committed to ensuring that E911 services, and particularly Phase II ALI services, are made available to the public as quickly as possible. However, we must balance this goal with the financial and technical limitations faced by certain carriers. Therefore, we granted relief of Phase II implementation deadlines only in cases where carriers have sufficiently met our stringent standards for obtaining a waiver of our rules. We strongly encourage carriers to coordinate their

⁴³¹ See, e.g., *supra* ¶ 11 and *Order to Stay*, 18 FCC Rcd at 20997 ¶ 29.

⁴³² See *supra* ¶ 9.

implementation efforts with the affected PSAPs to ensure that the expectations of public safety agencies are aligned with the carriers' deployment plans.

174. We remind carriers that the Commission has not hesitated to exercise its enforcement authority in circumstances in which such action served the public interest.⁴³³ The Commission trusts that those carriers afforded relief will now focus their resources on overcoming any obstacles that they may face in ensuring timely compliance with their current E911 deployment obligations. The Commission expects that any Tier III carrier that has been granted relief in this *Order* will adhere to its revised deployment schedule. In the event that carriers fail to take the concrete steps necessary to implement, in good faith, any revised deployment schedule, the Commission may refer such carriers to the Enforcement Bureau for appropriate action.

V. ORDERING CLAUSES

175. Accordingly, IT IS ORDERED, pursuant to the Commission's exercise of authority under Section 1.3 of the Commission's rules, that the foregoing *Order* IS ADOPTED.

176. IT IS FURTHER ORDERED, that the requests for relief of the wireless E911 rules by ACS Wireless, Inc.; Cellular Phone of Kentucky, Inc.; Cordova Wireless Communications, Inc.; Edge Wireless Licenses, LLC; Litchfield County Cellular, Inc. dba Ramcell of Kentucky, LLC; Key Communications, LLC and Keystone Wireless, LLC; Missouri RSA No. 7 Limited Partnership dba Mid-Missouri Cellular; OTZ Telecommunications, Inc.; Sagebrush Cellular, Inc., Nemont Communications, Inc., and Triangle Communication System, Inc.; and South Canaan Cellular Communications Company, L.P. ARE GRANTED TO THE EXTENT INDICATED HEREIN BUT ARE OTHERWISE DENIED.

177. IT IS FURTHER ORDERED, that the request for relief filed by Alaska DigiTel, LLC of the network equipment deployment requirements IS DISMISSED WITHOUT PREJUDICE and the request for relief filed by Alaska DigiTel, LLC of the Phase II benchmark requirements IS DENIED.

178. IT IS FURTHER ORDERED, that the request for relief filed by Cellular Mobile Systems of St. Cloud, LLC of the network equipment deployment requirements IS DISMISSED WITHOUT PREJUDICE and the request for relief filed by Cellular Mobile Systems of St. Cloud, LLC of the Phase II benchmark requirements IS GRANTED.

179. IT IS FURTHER ORDERED, that the request for relief filed by N.E. Colorado Cellular, Inc. of the network equipment deployment requirements IS DISMISSED IN PART AND GRANTED IN PART and the request for relief filed by N.E. Colorado Cellular, Inc. of the accuracy requirements IS DENIED.

180. IT IS FURTHER ORDERED, that the requests for relief of the wireless E911 rules filed by Arctic Slope Telephone Association Cooperative, Inc.; Cellular South Licenses, Inc.; ComScape Telecommunications of Raleigh-Durham License, Inc.; Copper Valley Wireless, Inc.; Corr Wireless Communications LLC; Custer Telephone Cooperative, Inc.; Enterprise Wireless PCS, L.L.C.; Highland Cellular, LLC; Iowa RSA 2 Limited Partnership dba Lyrix Wireless; Leaco Rural Telephone Cooperative, Inc.; North Carolina RSA 3 dba Carolina West Wireless; Northwest Missouri Cellular

⁴³³ See, e.g., AT&T Wireless Services, Inc., Notice of Apparent Liability and Forfeiture, File No. EB-02-TS-018 (May 20, 2002); T-Mobile USA, Notice of Apparent Liability and Forfeiture, File No. EB-02-TS-624 (Mar. 5, 2003).

Limited Partnership; RSA 1 Limited Partnership dba Cellular 29 Plus; South No. 5 RSA LP dba Brazos Cellular Communications, LLC; Wilkes Cellular, Inc.; and Wireless Communications Venture ARE GRANTED.

181. IT IS FURTHER ORDERED, that the request for relief filed by Southern Illinois RSA Partnership dba First Cellular of Southern Illinois IS DISMISSED WITHOUT PREJUDICE.

182. IT IS FURTHER ORDERED, that the Petition for Limited and Temporary Waiver of Deadlines for Implementation of Phase II E911 on the Same Basis as Other Tier III Wireless Carriers, and for Waiver of *King County* Demarcation Point Ruling filed by Commnet Wireless, Inc. *et al.* IS DENIED.

183. IT IS FURTHER ORDERED, that the requests for relief of the E911 Phase II rules filed by Alabama Wireless, Inc.; Amarillo License, L.P. and High Plains Wireless, L.P.; Minnesota Southern Cellular Telephone Company dba HickoryTech Wireless; Missouri RSA #5 Partnership dba Chariton Valley Wireless Services; North Dakota PCS Alliance; and Sussex Cellular, Inc. ARE DISMISSED AS MOOT.

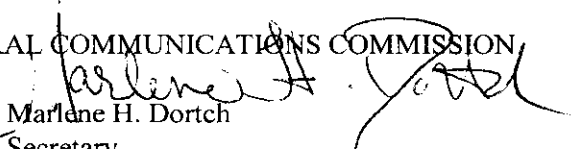
184. IT IS FURTHER ORDERED, that the additional time requested by Blanca Telephone Company to meet the twenty-five percent benchmark for location-capable handset activations IS GRANTED and that its requests for further relief ARE DISMISSED AS MOOT.

185. IT IS FURTHER ORDERED, that the March 19, 2004 Petition to Withdraw by Great Western Cellular Holdings, L.L.C. IS GRANTED and its November 6, 2002 Petition for Waiver IS DISMISSED AS MOOT.

186. IT IS FURTHER ORDERED that the Petition for Waiver and Request for Temporary Limited Stay filed by the Rural Telecommunications Group IS DENIED.

187. IT IS FURTHER ORDERED that those Tier III carriers granted individual waiver relief herein must file an Interim Report on their progress and anticipated compliance with the terms and conditions set forth herein and with the Commission's wireless E911 rules.

FEDERAL COMMUNICATIONS COMMISSION


Marlene H. Dortch
Secretary